

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Add/Amend/Repeal Section 502  
Title 14, California Code of Regulations

Re: Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

- |      |   |                           |
|------|---|---------------------------|
| I.   | Date of Initial Statement of Reasons:         | May 9, 2005               |
| II.  | Date of AMENDED Initial Statement of Reasons: | July 28, 2005             |
| III. | Date of Pre-adoption Statement of Reasons:    | August 1, 2005            |
| IV.  | Date of Final Statement of Reasons:           | August 24, 2005           |
| V.   | Dates and Locations of Scheduled Hearings:    |                           |
|      | (a) Notice Hearing:                           |                           |
|      |   | Date: June 24, 2005       |
|      |   | Location: Bishop          |
|      | (b) Adoption Hearing:                         |                           |
|      |   | Date: August 19, 2005     |
|      |   | Location: San Luis Obispo |
| VI.  | Update  |                           |

(a) The originally proposed language contained a range of season lengths and daily bag limits which are modified to identify specific season lengths and daily bag limits.

At its August, 19, 2005 meeting, the Commission adopted the following season lengths, dates and daily bag limits:

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
<b>Northeastern Zone</b>	Ducks	Oct 8 - Jan 20	7/day, no more than 5 mallards, including 1 hen mallard, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 8 - Jan 20	
	Canvasback	Oct 29 – Dec 18 and Jan 12 – Jan 20	
	Geese	Oct 8 – Jan 15	4/ day, no more than 2 dark geese including no more than 1 small Canada goose. Possession limit double the daily bag.
<b>Southern San Joaquin Valley Zone</b>	Ducks	Oct 22 – Jan 29	7/day, no more than 5 mallards, including 1 hen mallard, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	
	Geese	Oct 22 – Jan 29	4/ day, up to 4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
<b>Colorado River Zone</b>	Ducks	Oct 21 – Jan 29	7/day, no more than 2 hen mallards or Mexican-like ducks, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 21 – Jan 29	
	Canvasback	Dec 1 – Jan 29	
	Geese	Oct 21 – Jan 29	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Southern California Zone</b>	Ducks	Oct 22 – Jan 29	7/day, no more than 5 mallards, including 1 hen mallard, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	
	Geese	Oct 22 – Jan 29	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Balance of State Zone</b>	Ducks	Oct 22 – Jan 29	7/day, no more than 5 mallards, including 1 hen mallard, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	
	Geese	Oct 22 – Jan 29	4/ day, up to 4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
SPECIAL AREA REGULATIONS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Oct 22 – Jan 29	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Oct 29 - Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 16 – 30	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Dec 1- 15	2/day. Possession limit double the daily bag.
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY TAKE OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 8 – Jan 20	3/ day, possession limit 6
Balance of State Zone		Oct 22 – Feb 5	
Southern San Joaquin Valley Zone		Oct 22 – Feb 5	
Southern California Zone		Oct 22 – Feb 5	
Colorado River Zone	Ducks only	Oct 21 – Feb 3	

VII. Summary of Primary Considerations Raised in Opposition and in Support:

Response to public comments received by the Department prior to August 1, 2005 was included in the [Pre-Adoption Statement of Reasons \(see attached\)](#). Comments received by the Department since August 1, including testimony at the August 19, 2005 meeting are included here.

(a) The following individuals opposed waterfowl hunting in Morro Bay.

Abe Perlstein, Los Osos, CA (Email dated 8/14/05)  
Ann Calhoun, Los Osos, CA (Email dated 8/16/05)  
Anne Reeves, Morro Bay, CA (letter dated 8/16/05)  
Carol and Nelson Benitez, Los Osos, CA (letter dated 8/18/05)  
Camilla Fox, Animal Protection Institute, Sacramento, CA (letter and testimony 8/19/05)  
Corrina Jones and Jon Iverson, Atascadero, CA (letter dated 8/18/05)  
George Knowles, Cambria, CA (Email dated 8/15/05)  
Jeanine West, Morro Bay, CA (letter dated 6/23/05)  
Jim Royer, Los Osos, CA (Email dated 8/10/05)  
Jo Deane Gerard, Paso Robles, CA (letter dated 8/15/05)  
Johanna Rubba, Grover Beach, CA (testimony 8/19/2005)  
Katie Franklin and Matt Clark, Los Osos, CA (Email dated 8/16/05)  
Linde Owen, Los Osos, CA (Email dated 8/16/05)  
Marcia Hanscom, Wetlands Action Network, Playa del Rey, CA (testimony 8/19/05)  
Norm Tiber, Baywood Park, CA (testimony 8/19/05)  
Ray McKelligott, Morro Bay, CA (testimony 8/19/05)  
Robert VandeHoek, Playa del Rey, CA (testimony 8/19/05)

Response: Prohibiting hunting in Morro Bay eliminates hunting opportunity without a biological reason. Existing regulations (limited days, limited areas, and limited hours open to hunting) have been made to address perceived conflicts between human users of Morro Bay.

(b) The following individuals recommend limiting hunting on Morro Bay to 3 days per week.

Lynda Merrill, Morro Bay, CA (Email dated 8/16/05)  
Anne Reeves, Morro Bay, CA (letter dated 8/16/05)

Response: Further limiting hunting on Morro Bay is not necessary for harvest regulation reasons. Numerous adjustments in regulations have already been adopted (limited hunting days during the year, limited open areas to hunting, and limited shooting hours) to reduce the perceived conflict between human users of Morro Bay. With changes limiting brant hunting to 15 days in federal frameworks, a limitation of hunting to weekends and Wednesdays would further reduce hunting to only 6 days. The proposed brant season, in combination with existing regulations in Title 14 Section 551(q)(53)(B), would result in no waterfowl hunting occurring during October and November, 2005.

- (c) The following individual recommends adjusting the northern boundary of the hunting area in Morro Bay to the south to prohibit hunting on the “grassy island”.

Lynda Merrill, Morro Bay, CA (Email dated 8/16/05)

Response: Adjusting the boundary to eliminate the “grassy island” in Morro Bay would unnecessarily limit hunting on Morro Bay and is not biologically necessary. This proposed change could also further concentrate hunters and other bay users. Numerous adjustments in regulations have already been adopted (limited hunting days during the year, limited open areas to hunting, and limited shooting hours) to reduce the perceived conflict between human users of Morro Bay.

- (d) The following individuals support the continuation of waterfowl hunting as currently regulated in Morro Bay.

Dennis Doberneck, Paso Robles, CA (Email dated 8/8/05)

Dick Dasmann, Arroyo Grande, CA (testimony 8/19/05)

John Moore, Los Osos, CA (Email dated 8/15/05)

Response: Concur.

- (e) The following individuals recommend banning spinning-wing decoys.

Dwight Merriman, San Francisco, CA (letter dated 7/27/05)

Arthur Fielder, Kentfield, CA (letter dated 7/30/05)

Howard Ellman, San Francisco, CA (letter dated 8/4/05)

Response: The Commission addressed this issue in 2002. Currently, biological information is not sufficient to conclude that it is necessary to regulate this method of take beyond the existing regulation.

- (f) The following individual recommended a 94-day split duck season in the Southern San Joaquin Valley Zone from October 8 through October 30 and from November 19, 2005 through January 29, 2006.

C. Jeff Thomson, Tulare Basin Wetlands Association, Wasco, CA (letter dated 8/18/05 and testimony 8/19/05)

Response: When the Department petitioned the U.S. Fish and Wildlife Service on behalf of the wetlands owners in the Tulare Basin to create the Southern San Joaquin Valley Zone, the primary motivation was to allow private habitat managers the opportunity to flood later when temperatures were cooler and evaporation losses would be less. An earlier opening date would be contrary to that purpose.

- (g) The following individuals support a full season with a 1-bird daily bag limit for northern pintail.

James Perkins, Glendale, CA (letter dated 7/26/05)  
Jim Nardini, Glendale, CA (letter dated 8/1/05)  
John Greg, Verdugo City, CA (letter dated 7/28/05)  
Noe Felix, Glendale, CA (letter dated 7/29/05)

Response: The Federal frameworks allow a 1-bird bag limit throughout the entire season and the Department recommended that regulation.

- (h) The following individuals opposed any hunting season for northern pintail.

Camilla Fox, Animal Protection Institute, Sacramento, CA (letter dated 8/18/05 and testimony 8/19/05)

Response: While northern pintail are far below their long-term average population size, this trend is due to changes in birth rates that have been negatively affected by agricultural practices in Canada. Harvest rates, especially at the extremely low level of 1-bird per day, will not change the population dynamics of this species. This regulation complies with the Federal framework.

- (i) The following individuals opposed brant hunting as recommended.

Andrew Christie, Santa Lucia Chapter Sierra Club, San Luis Obispo, CA (letter dated 8/18/05 and testimony 8/19/05)  
Camilla Fox, Animal Protection Institute, Sacramento, CA (letter dated 8/18/05 and testimony 8/19/05)  
Johanna Rubba, Grover Beach, CA (testimony 8/19/2005)

Response: The 50% reduction in hunting season length for black brant complies with the Pacific Flyway Management Plan harvest strategy for this population. The management plan calls for a 50% reduction in harvest when the 3-year running average of the midwinter inventory falls below 110,000. The index fell to about 104,000 in 2005. Brant harvest during the 2004 hunting season in California was only estimated to be 800 birds by the U.S. Fish and Wildlife Service; however, population modeling done by the University of Nevada, Reno, suggest that fall harvest is not the predominant factor in population dynamics for this population. Predation and other factors affecting recruitment are more influential. Closing the brant season in California would not improve the population status of this species but would unnecessarily eliminate a biologically justified recreational use.

- (j) The following individuals recommended reducing non-hunting forms of recreation in the Morro Bay Wildlife Area during the hunting season.

Gene Johe, Black Brant Group, San Luis Obispo, CA (letter dated 8/8/05)  
Ann Calhoun, Los Osos, CA (Email dated 8/16/05)

Response: Wildlife Area regulations are contained in Title 14, California Code of Regulations, Section 551. Changes to these regulations are considered only every 3 years.

- (k) The following individual recommended a 5-bird daily bag limit for ducks.

Howard Ellman, San Francisco, CA (letter dated 8/4/05)

Response: Federal frameworks provide biologically supportable harvest levels depending on the status of ducks. In 2005, the status of both local duck stocks and migrant stocks from Canada and Alaska are predicted to be sufficient to provide for a 7-bird daily bag limit.

- (l) The following individuals supported the recommended waterfowl hunting regulations.

Walt Mansell, California Rifle and Pistol Association, Sacramento, CA  
(testimony 8/19/05)

Bill Gaines, California Waterfowl Association, Sacramento, CA (testimony 8/19/05)

Response: Federal frameworks provide biologically supportable harvest levels depending on the status of waterfowl. In 2005, the status of both local and migrant waterfowl stocks are predicted to be sufficient to provide for the regulations as recommended.

VIII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

IX. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

X. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Increase the Small Canada goose daily bag limit to 3 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
2. Propose an 86-day continuous season for waterfowl and a duck daily bag limit of 7 in all zones.
3. Eliminate hunting in Morro Bay in response to recommendations from the public. Prohibiting hunting in Morro Bay eliminates hunting opportunity, is not biologically necessary and numerous

adjustments by hunters, such as an 8:00 a.m. hunt time have been made in the recent past.

(b) No Change Alternative:

1. The No Change Alternative would keep the Sacramento Valley (East) Special Management Area and continue to prohibit the take of Canada geese in that area throughout the Balance of State Zone goose season. Continuing with the Sacramento Valley (East) Special Management Area is an unnecessary restriction, does not allow maximum hunting opportunity and continuing population growth of Aleutians would lead to greater depredation complaints on the northwest coast of California in the spring.
2. The No Change Alternative would keep the Imperial County Special Management Area. Continuing with the Imperial County Special Management Area could lead to over-harvest of the white geese that continue to winter in this area.
3. The No Change Alternative would not increase the white goose daily bag limit from 3 to 4 in all zones. Continuing with the current daily bag limit is an unnecessary restriction and does not allow maximum hunting opportunity.
4. The No Change Alternative would not increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. Continuing with the current daily bag limit is an unnecessary restriction, does not allow maximum hunting opportunity and continuing population growth of Aleutians would lead to greater depredation complaints on the northwest coast of California in the spring.
5. The No Change Alternative would keep the existing season lengths and dates and daily bag limits for waterfowl in all zones. The California Breeding Pair Survey has not been completed and analyzed and the federal frameworks have not been set. Dramatic changes in the existing regulations could result if specific dates and bag limits are proposed before the above items are completed.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

XI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.



## Updated Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Three (items 1, 3, and 4) of the five proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 20, 2005. The Service will consider these and other recommendations at their meeting on July 27-28, 2005. Item 5 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The U.S. Fish and Wildlife Service approved this change.

2. Remove the Imperial County Special Management Area and eliminate the special hunting season for white geese.

This proposal is unchanged. It does not require U.S. Fish and Wildlife Service approval.

3. Increase the white goose daily bag limit in all zones from 3 to 4; which results in an increase in the overall goose daily bag limit in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.

The U.S. Fish and Wildlife Service approved this change.

4. Increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.

The U.S. Fish and Wildlife Service approved the change in the Balance of State and Southern San Joaquin zones but not for the Northeastern California Zone.

5. Provide a range of season lengths (which may be split into two segments) between 0 and 107 days for the general duck season and 0 and 100 days for the

general goose season. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. There are no anticipated or proposed changes to the goose daily bag limit in the Southern California and Colorado River zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. In addition, regulations for black brant are expected to become more restrictive. Winter counts in 2004-05 were low enough to trigger harvest restrictions as identified in the Flyway Management Plan. See the following table.

The following table has been amended from the version in the Initial Statement of Reasons to reflect refined regulation proposals consistent with the Federal frameworks as established July 28, 2005. At that time it was determined that general duck seasons could be as long as 107 days in the Pacific Flyway with a 7-bird daily bag limit; that the pintail season could be as long as the general duck season with a 1-bird bag limit; that the canvasback season must be 60 days with a daily bag limit of 1-bird; that the daily bag limit for scaup was reduced from 4 to 3; and that other proposals from California (see above) were accepted except the change in the small Canada goose bag limit in the Northeastern California Zone. The duck season length in the Northeastern California Zone was incorrectly summarized in the original table as being 100 instead of 105 days; the text in item 5 identified a range of duck season lengths up to 107 days.

6. The Commission proposes to amend its regulations to comply with regulations adopted by the Service at its July 27, 2005 meeting which established black brant special management areas and established black brant hunting seasons in each of those special management areas as follows:

Northern Brant Special Management Area – Del Norte, Humboldt, and Mendocino counties.

Season: From November 16 through November 30

Daily Bag and Possession Limit: 2 per day, 4 in possession

Balance of State Brant Special Management Area – All counties not included in the Northern Brant Special Management Area.

Season: From December 1 through December 15

Daily Bag and Possession Limit: 2 per day, 4 in possession

Other regulations adopted by the Service at its July 27, 2005 meeting are in accord with the originally noticed proposals.

**The Commission adopted the following specific regulations at the August 19, 2005 meeting.**

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
<b>Northeastern Zone</b>	Ducks	Oct 8 - Jan 20	7/day, <b>no more than 5 mallards and no more than 1</b> hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 8 - Jan 20	
	Canvasback	Oct 29 – Dec 18 and Jan 12 – Jan 20	4/ day, no more than 2 dark geese including no more than 1 small Canada goose. Possession limit double the daily bag.
	Geese	Oct 8 – Jan 15	
<b>Southern San Joaquin Valley Zone</b>	Ducks	Oct 22 – Jan 29	7/day, <b>no more than 5 mallards and no more than 1</b> hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	4/ day, up to 4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
	Geese	Oct 22 – Jan 29	
<b>Colorado River Zone</b>	Ducks	Oct 21 – Jan 29	7/day, no more than 2 hen mallards or Mexican-like ducks, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 21 – Jan 29	
	Canvasback	Dec 1 – Jan 29	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 29	
<b>Southern California Zone</b>	Ducks	Oct 22 – Jan 29	7/day, <b>no more than 5 mallards and no more than 1</b> hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Geese	Oct 22 – Jan 29	
<b>Balance of State Zone</b>	Ducks	Oct 22 – Jan 29	7/day, <b>no more than 5 mallards and no more than 1</b> hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Pintail	Oct 22 – Jan 29	
	Canvasback	Dec 1 – Jan 29	4/ day, up to 4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
	Geese	Oct 22 – Jan 29	
SPECIAL AREA REGULATIONS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	<b>Oct 22 – Jan 29</b>	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	<b>Oct 29 - Dec 14</b>	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 16 – 30	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Dec 1- 15	2/day. Possession limit double the daily bag.
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY TAKE OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 8 – Jan 20	3/ day, possession limit 6
Balance of State Zone		Oct 22 – Feb 5	
Southern San Joaquin Valley Zone		Oct 22 – Feb 5	
Southern California Zone		Oct 22 – Feb 5	
Colorado River Zone	Ducks only	Oct 21 – Feb 3	

ADDENDUM TO FINAL STATEMENTS OF REASONS  
SECTIONS 502 AND 506, TITLE 14, CCR

I. Responses to Recommendations by Gene Johe, Letter Dated June 4, 2005, and petition signed by 31 individuals

- (a) Set the shooting time for Morro Bay to be consistent with the rest of California.

RESPONSE: This option was included in the public notice dated June 28, 2005. The Commission ultimately adopted a shooting time beginning at 7:00 a.m. for Morro Bay to be consistent with local noise ordinances.

- (b) If the Black Brant bag limit is reduced to one or if the season is shortened, limit hunting to three days per week for a total of 15 days.

RESPONSE: The U.S. Fish and Wildlife Service adopted a Black Brant hunting season for the Northern Brant Special Management Area from November 16 through November 30 and a season from December 1 through December 15 for the Balance of the State Brant Special Management Area. Allowing hunting three days per week for a total of 15 hunting days would not conform to Federal Regulation.

- (c) Limit use of recreational boats in Morro Bay during waterfowl hunting season.

RESPONSE: Wildlife Area regulations are contained in Section 551, Title 14, CCR, and are beyond the scope of this rulemaking.

- (d) Opposed to proposal submitted by Mandy Davis.

RESPONSE: Comment noted.

- (e) Opposed to proposal to prohibit hunting on Grassy Island.

RESPONSE: Comment noted.

II. Response to Comments submitted June 24, 2005 by the Santa Lucia Chapter of the Sierra Club, unsigned.

- (a) Opposed to waterfowl hunting in Morro Bay.

RESPONSE: Prohibiting hunting in Morro Bay eliminates hunting opportunity without biological reason. Existing regulations (limited days, limited areas, and limited hours open to hunting) have been made to address perceived conflicts between human users of Morro Bay.

**SUPPLEMENT TO FINAL STATEMENT OF REASONS  
SECTION 502, TITLE 14, CCR**

**Response to Comment made by the Sierra Club in a letter dated August 18, 2005**

COMMENT: If you are trying to reduce brant mortalities from recreational hunting, you are flipping the calendar pages in the wrong direction.

RESPONSE: Brant season length in California was 30 days, and the season ran from early November to early December. The proposed season length is a 50% reduction to 15 days and complies with the Flyway Management plan and Federal frameworks established by the U.S. Fish and Wildlife Service (Federal Register Vol 70 No. 183 pp 55671). The goal of the Flyway Management Plan is to among other things, conserve brant while providing for their use and enjoyment by the public. The harvest restrictions are specified in the Management plan relative to the overall size of the population and its harvest, not just a specific bay in California.

Brant numbers in California, and particularly in Morro Bay, rise through November and begin declining in December, with pulses of birds moving through the state in fall as birds migrate to wintering areas in Mexico and in late winter and early spring on their way northward. In Morro Bay, fewer rather than more brant should be present during the shorter hunting season, which will extend only 6 days further in December. The situation is different in Humboldt Bay, where brant occur more sporadically during the fall hunting season (dependent on weather) and the likelihood there is for a greater than 50% reduction in harvest. The proposed regulations, in the context of both statewide and total flyway population and harvest, are in compliance with federal regulations and are expected to reduce harvest.

Estimated harvests of brant (USFWS data) are not precise. The majority of brant harvest does not occur in California, instead nearly 5 times as much harvest occurs during native subsistence harvests in Alaska and nearly 3 times as much harvest occurs in Mexico. Management actions in coastal states (e.g. the reduction in season length by 50% in CA and WA and an 80% reduction in season length in AK) precipitated agreements among native subsistence users to reduce their summer harvest where this harvest can only be "regulated" through agreement. These management actions have also gained the attention of authorities in Mexico and similar restrictions are being considered there.

Previous conservation actions in California, in compliance with the Flyway Management plan, eliminated late winter (February) hunting periods in order to increase the number of wintering brant in California. Winter counts (the Midwinter Survey) averaged about 800 brant in California during the late 1970s and early 1980s. While response has been slow, as would be expected in trying to reverse ingrained migratory behavior, current winter estimates for California now average closer to 5,000 brant.

In the context of regulating population size, part of the goal of a harvest program, other biological factors must be considered. When harvest rates are low, further reducing those harvest rates will not increase the size of the population when other factors overwhelm them. Population modeling done by the University of Nevada, Reno suggests that fall (e.g. harvest in coastal states including California) harvest is not the predominant factor in population dynamics for this population. Predation and other factors affecting recruitment are more influential.

Migratory bird management includes a system of cooperative population assessment and management, facilitated by mutually-developed management plans. The proposed regulations for California comply with that cooperative spirit and are not in conflict with conservation goals on a flyway scale.